



1 I, David Z. Gringer, declare as follows:

2 1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP. I represent  
3 Defendant Facebook, Inc. in the above-captioned action.

4 2. On December 7, 2021, I emailed counsel for Plaintiffs regarding whether Plaintiffs  
5 would agree to stipulate to the submission in the above captioned case of the Ninth Circuit's  
6 December 2, 2021, decision in *City of Oakland v. Oakland Raiders, et al.*, No. 20-16075, 2021  
7 WL 5707683 (9th Cir. Dec. 2, 2021), as a recent, relevant judicial opinion. Later that same day,  
8 counsel for Plaintiffs provided the following response: "while Plaintiffs do not agree with  
9 Facebook's statement as to the relevance of the *City of Oakland* decision to Facebook's pending  
10 motion to dismiss, Plaintiffs take no position as to Facebook's administrative motion."

11 I declare that the foregoing is true and correct under penalty of perjury.

12 Executed on this 7th day of December, 2021, in New York, NY.

13  
14 By: /s/ David Z. Gringer  
15 David Z. Gringer

## **SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing. Pursuant to Civil Local Rule 5-1(h)(3), I hereby attest that the other signatories have concurred in this filing.

Dated: December 7, 2021

By: /s/ Sonal N. Mehta  
Sonal N. Mehta